

**Notice of Allowability**

Application No.

10/802,170

Applicant(s)

KIKUCHI, KIMIHIRO

Examiner

Jason L. Lazorcik

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2007.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 13, 2007 has been entered.

### ***Response to Arguments***

Applicant's amendments, filed November 13, 2007, have adequately addressed the outstanding Rejections under 35 U.S.C. §112, second paragraph as detailed in the Office Action dated June 29, 2007. The rejection of Claims 1-5 under 35 U.S.C. §112, second paragraph is hereby withdrawn

### ***Allowable Subject Matter***

Claims 1-5 are allowed.

The following is an examiner's statement of reasons for allowance:

In view of the amendments filed November 13, 2007, it is the Examiners position that the claimed invention has been placed in condition for allowance. The closest prior art of record is here summarized;

The Japanese Patent to Kikuchi et. al. (Koku Patent Application No. 2793433 – see English language translation) teaches a method for manufacturing optical elements equipped with holders. In the instant method, the optical element and optical element holder material are placed in a press molding apparatus, heated to a softening temperature, and simultaneously press molded to form an integrated optical element and holder assembly. Although the Kikuchi reference teaches molding of both the optical element material and holder material, the reference is silent regarding Applicants particular limitation wherein a pressing force acting upon optical element material causes “the optical element material to expand outwardly in a convex shape and deform the deformable portion”.

The United States patent references to Angenet (US 4,895,585) and Otsuki (US 2002/0184919 A1) teach similar optical element fabrication methods. Namely both references teach placement of a volume of optical element material within an optical element holder, heating the holder and optical material, and press forming the holder and material into an integrated optical element holder assembly. Both references further teach that upon application of a pressing force, the heat softened optical material expands in a radial direction to deform the holder material. Neither reference teaches that the optical element material should “expand outwardly in a convex shape” to deform a deformable portion of the holder material. Further, neither reference reasonably teaches that the deformable portion is configured in such a manner as to

receive a volume of optical element material equivalent to the surplus volume of optical material.

The following foreign patent documents, not previously considered, have been examined with respect to Applicants claimed invention;

- JP5066302 to TANABE TAKASHI
- JP8075973 to MORIOKA KAZUO et. al.
- JP7043575 to MITSUSAKA MOTOSUKE
- JP3167514 to ONAKA HIROSHI et. al.
- EP1329756 to OTSUKI MOTOHIKO et. al.
- JP10104489 to ISONO MASAFUMI

It is the Examiners assessment that none of the above referenced documents addresses the noted prior art deficiencies

In summary, none of the prior art of record teaches nor fairly suggests a method of manufacturing a holder-mounted optical element as presently claimed by Applicant. Specifically, no reference either alone or in combination, fairly teaches the method whereby the application of a pressing force upon a volume of heat softened optical element material causes "the optical element material to expand outwardly in a convex shape" to deform a deformable portion of the holder material, wherein said deformable


portion is "configured to receive" a volume of optical element material which is equivalent to the surplus volume of optical element material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL

  
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